

**BellSouth Corporation**  
Suite 900  
1133-21st Street, NW  
Washington, DC 20036-3351  
  
glenn.reynolds@bellsouth.com

**Glenn T. Reynolds**  
Vice President -  
Federal Regulatory

202 463 4112  
Fax 202 463 4142

July 9, 2004

**EX PARTE**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> St. SW  
Washington, D.C. 20554

**Re: Implementation of the Local Competition Provisions of the  
Telecommunications Act of 1996, CC Docket No. 96-98;  
Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 99-68**

Dear Ms. Dortch:

In response to questions from Commission staff, BellSouth hereby files into the record of this proceeding pertinent parts of the transcript of oral argument in two appeals of orders of this Commission.

Specifically, staff has asked whether the Commission is somehow constrained by prior determinations of the D.C. Court of Appeals to find that traffic bound for Internet Service Providers (ISPs) is necessarily subject to section 251(b)(5) of the Act. In response, BellSouth is providing the attached partial transcripts from two oral arguments before the D.C. Circuit: *Worldcom, Inc. v. FCC*, Nos. 01-1218, *et al.* (D.C. Cir. argued Feb. 12 2002) and *Worldcom, Inc. v. FCC*, No. 00-1002 (D.C. Cir. argued Feb. 21, 2001). While these transcripts were cited in the white paper filed in this docket by BellSouth and Verizon, BellSouth submits the relevant pages into the docket for the staff's review. The comments of the court, which includes two of the three judges from the panel in *Bell Atlantic v. FCC* (Judges Sentelle and Williams), make clear that the decision in *Bell Atlantic* was "rigorously agnostic" on whether such traffic should be treated as local for purposes of reciprocal compensation.

Pursuant to Commission rules, please include a copy of this letter and attachments in the docket of the proceedings identified above.

Sincerely,



Glenn T. Reynolds

Cc: Christopher Libertelli  
John Rogovin  
Austin Schlick  
Linda Kinney  
John Stanley  
William Maher  
Jeffery Carlisle  
Tamara Priess  
Steve Morris  
Robert Tanner  
Victoria Schlesinger